

#4
Atty Matter No. 0276000
Atty Reference No. 23522-0646
Smt (152)
6/13/01

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re Patent Application of:)
CHINN, et al.)
Serial No.: 09/628,186)
Filed: July 28, 2000)
For: KIT FOR RADIOLABELING)
LIGANDS WITH YTTRIUM-90)

ATTN: LICENSING AND REVIEW

Examiner: Unassigned

Group Art Unit: 1743

BEST AVAILABLE COPY

TRANSMITTAL OF PROPERTY RIGHTS STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In complete response to the Notice dated November 7, 2000, enclosed please find:

[X] an executed Property Rights Statement for the above-identified Application.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

PILLSBURY WINTHROP LLP

By:

Samir Elamrani
Samir Elamrani
Registration No. 43,601

PILLSBURY WINTHROP LLP
1100 New York Avenue, N.W.
Ninth Floor, East Tower
Washington, D.C. 20005-3918
(202) 861-3000 Telephone
(202) 822-0944 Facsimile

Date: February 26, 2001


**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

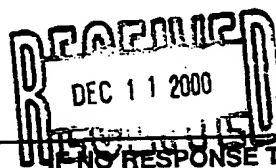
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Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/628.186	07/28/00	CHINN	P 012712-919

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 POST OFFICE BOX 1404
 ALEXANDRIA VA 22313-1404

EXAMINER	
ART UNIT	PAPER NUMBER
1743	3

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DOCKETED

**IF NO RESPONSE TO THIS NOTICE IS RECEIVED WITHIN FORTY-FIVE DAYS, A
FORMAL REQUIREMENT WILL BE ISSUED**

The subject matter of this application appears to:

☒ be "useful in the production or utilization of special nuclear material or atomic energy" as recited in 42 U.S.C. 2182 (Department of Energy (DOE)).

☐ "have significant utility in the conduct of aeronautical and space activities" as recited in 42 U.S.C. 2457 (National Aeronautics and Space Administration (NASA)).

Accordingly, no patent can issue on this application unless applicant(s) file a statement (under oath or in the form of a declaration as provided by 37 CFR 1.68) setting forth (1) the full facts concerning the circumstances under which the invention was made and conceived and (2) the relationship (if any) of the invention to the performance of any work under any contract or other arrangement with the Agency(ies) noted above. On the reverse side of this form is an example of an acceptable format for this statement. The language appearing in paragraphs III and/or IV of the example must appear if applicant is attempting to establish that no relationship (under item 2 above) exists.

If the invention disclosed in this application was developed under a contract, grant or cooperative agreement between the Agency indicated above and a person, small business or non-profit organization and rights to the invention have been determined by specific reference to 35 U.S.C. 202 in the contract, grant or cooperative agreement, then applicant need not submit the statement described above. Instead, applicant may file a verified statement (under oath or in the form of a declaration, 37 CFR 1.68) setting forth the information required by 35 U.S.C. 202(c)(6).

IF NO STATEMENT HAS BEEN RECEIVED WITHIN FORTY-FIVE DAYS OF THE MAIL DATE INDICATED ABOVE, a formal requirement for statement will then be issued. No provision is made for extension of the statutory thirty-day period for response to the formal requirement and the penalty for failure to file an acceptable and timely statement is abandonment of the application. Therefore, applicants are strongly encouraged to submit a statement at this time in order to avoid the issuance of a formal requirement.

IT IS IMPORTANT TO NOTE that the statement must accurately represent the property rights situation of the claimed invention if and when the application is found allowable. Thus, if during prosecution before the examiner, the claimed invention is so altered or the property rights situation so changed as to impact the accuracy of a statement submitted earlier, a supplemental statement must be filed. Failure to submit such additional information where appropriate may be considered a false representation of material facts and render the patent owner vulnerable to loss of patent rights and other sanctions as set forth in the statutes. The PTO will not review allowed applications for this possibility. The responsibility for complying with the statutes rests with the applicants.

Any questions regarding this requirement should be directed to Licensing and Review at (703) 306-4191.

**PLEASE DIRECT ALL COMMUNICATIONS RELATING TO THIS MATTER TO THE
ATTENTION OF LICENSING AND REVIEW**

TOTAL P.08

PROPERTY RIGHTS STATEMENT

I (We), Paul Chinn, a citizen of the United States of America and residing at 815 Berkeley Way, Vista, California 92084, hereby declare:

That I (we) made and conceived the invention described and claimed in patent application:

Serial No. 09/628,186 filed in the United States of America on July 28, 2000, and
Entitled: KIT FOR RADIOLABELING LIGANDS WITH YTTRIUM-90.

(Check and complete either I or II below)

☒ I. (For inventors employed by an organization) That I (we) made and conceived this invention while employed by IDEC Pharmaceuticals Corporation. That the invention is related to the work I am (we are) employed to perform and was made within the scope of my (our) employment duties; that the invention was made during working hours and with the use of facilities, equipment, materials, funds, information and services of IDEC Pharmaceuticals Corporation. Other relevant facts are _____ That to the best of my (our) knowledge and belief (and/or) based upon information provided by _____ of _____

OR

☐ II. (for self-employed inventors) That I (we) made and conceived this invention on my (our) time using only my (our) own facilities, equipment, materials, funds, information and services. Other relevant facts are _____

(Check III and/or IV below as appropriate)

That to the best of my (our) knowledge and belief:

☒ III. The invention was not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract or arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors: Energy Research and Development Administration or the Department of Energy.
AND/OR

☒ IV. The invention was not made (conceived or first actually reduced to practice) under nor is there any relationship of the invention to the performance of any work under any contract of the National Aeronautics and Space Administration.

The undersigned inventor(s) declare further that all statements made herein of his or her (their) own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Inventor Signature: Paul Chinn

Post Office Address: P.O. Box 3797
Rancho Santa Fe, California 92067

Date: Jan 2, 2001

Atty Reference No. 23522-0919